

**STATEMENT OF
COMMISSIONER JONATHAN S. ADELSTEIN
APPROVING IN PART, DISSENTING IN PART**

Re: Wireless E911 Location Accuracy Requirements (PS Docket No. 07-114); In the Matter of Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems (CC Docket No. 94-102); Association of Public-Safety Communications Officials-International, Inc. Request for Declaratory Ruling; 911 Requirements for IP-Enabled Service Providers (WC Docket No. 05-196), Report and Order

It has been nearly a decade since Congress enacted the Wireless Communications and Public Safety Act for the purpose of establishing 911 as the universal emergency assistance number, and to promote, among other things, the further deployment of wireless 911 services.¹ Congress recognized then, as we must today, that our efforts to maintain and upgrade our vital 911 network necessitate reliance on broad coordination efforts and emerging technologies – critical elements in effectuating networks that are “seamless, ubiquitous and reliable.”² Over the past several years, the Commission, together with public safety, state and local governments, and relevant industries, has made significant progress in promoting the deployment of 911 and enhanced (E911) emergency services and improving location accuracy information.

Keeping these directives and past progress in mind, it remains my objective in promoting E911 services to make sure that the Commission is always looking ahead – that we are making policy and enforcement decisions that will lead to more advanced 911 and E911 services for all citizens in the most effective and efficient manner possible. I believe the ultimate goal of today's *Report and Order* – ensuring that public safety answering points (PSAPs) receive reliable and accurate location information – is critical. It is a goal that I share with my colleagues. I have also expressed my full support for requiring carriers to conduct testing on the PSAP level, particularly in response to requesting PSAPs.

But while I support providing first responders with the best data possible, today's item is fraught with highly dubious legal and policy maneuvering that bypasses a still developing record on what should be the reasonable and appropriate implementation details. Instead of giving the public safety community, industry and this Commission the benefit of a decision based on a full record, the majority plows forward with details on benchmarks and compliance determinations – findings that are the very subject of the III.B. portion of this bifurcated proceeding.

When we launched this proceeding, I questioned our decision to bifurcate the issues with the goal of setting a new accuracy compliance standard well in advance of a making a determination of how we can actually achieve improved location accuracy. I also advocated putting “in place a series of hearings and reports that will guide us to develop benchmarks and targets that will pave the way to a new approach to accuracy compliance.”³ In response, the record reflects both overwhelming concern regarding technical feasibility and compliance deadlines, and overwhelming support for a joint FCC, industry and public safety forum on new requirements. And while I appreciate the efforts of public safety to flesh out

¹ Wireless Communications and Public Safety Act of 1999, Pub. L. No. 106-81, enacted Oct. 26, 1999, 113 Stat. 1286, at Section 2.

² *Id.*

³ Statement of Commissioner Jonathan S. Adelstein, *Wireless E911 Location Accuracy Requirements, PS Docket No. 07-114; Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems; CC Docket No. 94-102; Association of Public-Safety Communications Officials-International, Inc. Request for Declaratory Ruling; E911 Requirements for IP-Enabled Providers; WC Docket No. 05-196; Notice of Proposed Rulemaking, FCC 07-108 (rel. June 1, 2007) (NPRM).*

a path to compliance, a proposal such as that put forth on benchmarks should be considered in a forum that is open and conducive to a dialogue with all of the involved parties.

Given the huge commitment of resources and effort needed to make the vast progress we have yet to make, a collaborative, cooperative approach is the most effective way to achieve the goals all of us share. Adopting in whole cloth an eleventh hour proposal at the stroke of Sunshine's end is not the way to promote an atmosphere for progress. Instead of working with all stakeholders, the Commission today simply adopts on a Tuesday a proposal filed on Friday. Offering no opportunity for deliberation or participation by so many stakeholders does not befit an expert agency. Indeed, members of the wireless industry have announced plans for a joint public safety and industry technology summit entitled, "*Automatic Location Information Summit, 9-1-1 Technical Requirements and Capabilities*" scheduled for October 11th - the goals of which include setting public safety and industry objectives and timelines.⁴ Rather than jump the gun, our Commission should help sponsor and draw from such a forum before reaching conclusions.

So I am disappointed that we are not conducting this proceeding in a more thoughtful and deliberate manner to ensure that the steps we take truly advance E911. As I said in the response to the underlying *NPRM*, no one will be well served by a proceeding that inevitably draws affected parties into unnecessary disputes and legal uncertainties. That only distracts all of us from the real objective of improved E911. It is unfortunate that we move forward today on compliance details that do not leverage the expertise of industry and public safety, and ignores the Network Reliability and Interoperability Council VII's recommendation on improving delivery of E911 location accuracy information.⁵ Nor do we leverage the work of APCO's Project Locate⁶ or other studies in our determinations. The majority has blindly pushed wireless carriers off the edge with the possibility of offering a parachute some time in the future when the second portion of this proceeding is completed.

While I have objections to the process that led to the adoption of today's Order, that should not minimize the real need I believe there is for improving location accuracy. Indeed today, as we commemorate those who lost their lives in the tragic events of September 11th, we are reminded of how critical location information is for first responders trying to coordinate efforts to save lives. But saving lives is more than a political platform. Let's unearth today's action for what it really is and is not. The sum total here is a set of compliance details that may bring confusion rather than clarity, and incite litigation, rather than progress.

For these reasons, while I support the goals of this item, I am unable to fully support it and must dissent in part.

⁴ See Letter from Christopher Guttman-McCabe, Vice President, Regulatory Affairs, CTIA-The Wireless Association®, to Marlene H. Dortch, Secretary, FCC at 1 (filed Sept. 7, 2007).

⁵ NRIC VII Focus Group 1A, Near Term Issues for Emergency E9-1-1 Services Final Report (Dec. 2005).

⁶ See http://www.locatemodelcities.org/documents/LOCATE_Final_Report.pdf.